

MINE SAFETY NEWS

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Mine Safety Program budget deficit addressed

The Mine Safety Program is mandated by state administrative codes to 1) Conduct inspections and consultations related to the storage, transportation, use, and manufacture of explosives; 2) Conduct inspections and consultations related to the safety of mines pits and quarries; and 3) Conduct inspections and consultations related to the manufacture of common fireworks.

The Mine Safety Program also receives federal grant money to provide mine safety training.

The Safety and Buildings Division is running a \$40,000 to \$60,000 deficit each year for the Mine Safety Program. S&B finds it has been providing more training sessions than it has staff time and financial resources to support.

In an attempt to balance program activities with the program budget, the division is planning a combination of alternatives, notably to control training expenditures. This could affect the division's training efforts by increasing fees, reducing the number of refresher training classes offered, and offering a Train-the-Trainer course to certify instructors so companies would have personnel to conduct their own training.

If you have comments on the alternatives, contact Sam Solberg, Field Operations Bureau Mine Safety Program Section Chief, 715-345-5226, ssolberg@commerce.state.wi.us.

MSHA Safety Sweep

The Mine Safety and Health Administration had its "Spring Safety Sweep" May 10 - May 28, visiting small mine sites (five or fewer employees) in Wisconsin. Safety and Buildings Division Mine Safety Inspectors participated in this effort. Topics relating to accidents and fatalities were reviewed, and the proposed Part 46 training requirements were discussed. S&B staff hope these activities proved helpful and believe they will ultimately result in improved safety on the job.

Final 3 "New Miner" dates

The final three "New Miner Training" dates and locations are: **July 8 and 9** at the FABCO Office, 9601 Christie Lane Scholfield (junction Hwy 29 East and Hwy J, Wausau), 7 a.m.- 3:30 p.m., call Jon to pre-register, 608-429-4115; **on July 7 and 8**, ISP Minerals Offices, rural Pembine, 7 a.m.- 3:30p.m., call Jon to register, 608-429-4115. **Aug. 4 and 5**, Milwaukee area, call Pat to register, 920-907-5626. You need to pre-register, so we can gauge attendance.



Down in the Pits

by Darrell Gieschen

Times are a'changin

After almost ten years with the state, I will be leaving the S&B Mine Safety Program on June 19. I have accepted a position in the private sector. I wish you all the best.

Safety training is part of overall Mine Safety Program

Mine safety training under the federal Part 46 proposal is being evaluated by the Safety and Buildings Division.

There are a large number of types of training needed in the Wisconsin mining industry: "New Miner," "Newly-Hired Experienced Miner," "New Task," "Annual Refresher," and "Hazard Training."

Requests for training sessions exceed the Safety and Buildings Division's ability to provide staff time and revenue sources. S&B staff are mandated to conduct mine safety inspections, which are funded by the mine safety service fees. Analysis of use of time and

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Safety Training

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resources shows the level of training S&B has provided has limited resources available for inspections.

S&B is discussing three alternatives with the industry: 1) Adjust the fees to pay for providing training; 2) Expand the number of trainers from sources other than S&B Mine Safety staff; and 3) Decrease the number of classes.

Contact Sam Solberg, Field Operations Bureau Mine Safety Program Section Chief, 715-345-5226, ssolberg@commerce.state.wi.us, with your ideas.

Mine Safety Specialists:

Northwest one-third of Wisconsin - vacant (Contact Pat Murphy or Jon Wagner.)

Pat Murphy - Eastern one-third of Wisconsin, 920-907-5626, fax 920-929-3924, pmurphy@commerce.state.wi.us

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Part 46, a summary

The proposed Mine Safety and Health Administration (MSHA) Part 46 training requirements for sand, gravel, surface stone, and surface limestone will become a final rule by September, 1999. We strongly encourage each of you to read the entire document. Remember, it is the responsibility of the owner to comply with training requirements. Copies of the proposed rule from the Mine Safety and Health Administration (MSHA) can be obtained by calling 703-235-1910. In content, Part 46 is similar to Part 48. However, there are some definite differences, especially in the flexibility of meeting some of Part 46 training requirements. What follows are some highlights of the proposed rule.

Key provisions of proposal:

* "Comprehensive" training is required for persons employed full-time at mining operations. Site specific "hazard" training is required for other workers who come on to the mine.

* Operators will be required to develop and implement a written training plan that includes programs for 24 hours of new miner training, 8 hours of newly-hired experienced miner, new task training, and annual refresher, and hazard training.

* Training may be conducted by a "competent person" designated by the operator. This "competent person" does not need to be approved by MSHA.

Internet information on Part 46 is available at <http://www.msha.gov/TRAINING/PART46/PART46.HTM>

* Four courses are required for both new miner and newly-hired experienced miner training before these miners begin work:

- 1) Introduction to the work environment, including a mine tour;
- 2) Instruction on recognition and avoidance of hazards;
- 3) A review of escape and emergency procedures;
- 4) Instruction on health and safety aspects of tasks to be assigned.

* Within 60 days after new miners begin work, they shall receive their 24 hour training which shall include:

- 1) Statutory rights of miners;
- 2) A review and description of the line of authority of supervisor's and miner's representatives and the responsibilities of these persons;
- 3) An introduction to the operator's rules and procedures for reporting hazards;
- 4) Instruction and demonstrations on use, care, and maintenance of self rescue and respiratory devices, if used at the mine.
- 5) A review of first aid methods.

* Until new miners receive the full 24 hours of training, they must work under close supervision of experienced miners.

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*Within 90 days of employment, newly-hired experienced miners must receive refresher training.

*Operators must keep records of the training and provide miners with copies. Training records are to contain specific information required by MSHA.

*Site-specific hazard training - "Persons who are not engaged in mining operations integral to extraction or production, and who do not fall within the definition of 'miner' under proposed sect. 46.2 would not be required to receive comprehensive training.." Instead miners would be required to receive site-specific hazard training.

*Responsibility for Training- Each production operator is primarily responsible for providing site-specific hazard training to employees of independent contractors; independent contractors who employ 'miners' are primarily responsible for providing comprehensive training for their employees.

Production operators must also inform independent contractors of their obligation to comply with MSHA regulations, including Part 46. Production operators, may as a provision of their contract with independent contractors, require that all contracted employees receive appropriate safety and health training and assign responsibility for that training.

The requirements of this section are consistent with Wisconsin policy on independent contractors. Under that policy, independent contractors are responsible for compliance with the Act and regulations with respect to their

activities at a particular mine. MSHA may also cite independent contractors for violations committed by operators and their employees. However, neither this policy nor the provisions in this section change production operators' basic compliance responsibilities. Production operators are subject to all provisions of the act and to all standards and regulations applicable to their mining operations. This overall compliance responsibility includes ensuring compliance by independent contractors with the act and regulations.

*Effective Date & Compliance Deadlines - These are still to be determined, six months to one year were mentioned. Also the idea of phased in compliance was discussed. It has been suggested that within six months of publication of the final rule, the written training program would be required; and within one year the various types of miner training would take effect.

Definitions (Some are unique to Part 46):

-Competent person: Person designated by the operator with the ability, training, knowledge, or experience to provide training to miners on a particular subject, and who can also evaluate whether training is effective.

-Experienced miner: (three definitions): 1) Employed as a miner on the date of this proposal; 2) Begins employment at a mine after the date of the publication of the proposal, but before the effective date of the final rule, and has received new miner training consistent with Part 46.5 or Part 48.25 for surface miners; and 3) Has completed 24 hours of new miner training under either Part

46.5 or Part 48.25 and who has at least 12 months of surface mining experience or equivalent experience. Note in definition 2 and 3 that 'experienced miner' requires both training and experience. The experience is cumulative experience and could be similar experience obtained outside of mining.

-Extraction or production: The mining, removal, milling, crushing, screening, or sizing of materials at a mine. This definition includes the associated haulage of these materials at the mine.

-Hazard training: Information or instructions on the hazards a person will be exposed to while on mine property, as well as on applicable emergency procedures.

-Miner: A person working at the mine engaged in the mining operations integral to extraction or production.

-Task: A component of a job that is performed on a regular basis and that requires job knowledge.

Mine Safety Specialists:

- Vacant - Northwest one-third of Wisconsin (Contact Pat Murphy, listed below.)

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